

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Nevada Bell, Pacific Bell, and Southwestern Bell Telephone
Company Petition for Forbearance of Section 272 of the
Communications Act, as Amended, to provide Reverse
Directory Services

CC Docket No. 98-193

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY COMMENTS OF THE SBC TELEPHONE COMPANIES

As the comments submitted on the above-captioned petition demonstrate, the public interest is overwhelmingly in favor of the forbearance from Section 272 requirements in order to allow the SBC Telephone Companies (Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell) to provide reverse search services to their customers. Only one commentator (MCI) offers a weak, "partial" opposition to the petition, and that opposition rests on an obvious misreading of Section 271 of the Telecommunications Act and the Commission's prior orders. Forbearance should be granted on the terms requested in the petition, on the same terms previously granted to Bell South.¹

The SBC Telephone Companies join Bell Atlantic in urging the Commission to act expeditiously on this petition. As explained in the petition, the current database platform cannot be brought into compliance with Y2K requirements, and it needs to be replaced. SBC needs sufficient lead time to purchase and install the necessary hardware and software to replace the non-compliant database. As a result, if the Commission does not act quickly on this petition, existing Southwestern Bell Telephone Company customers could face interruption of their

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current reverse search services – which would clearly be contrary to the interest of current and future customers, and competition.

MCI plainly misreads the Act when it contends (without any citation to authority) that operator assisted reverse directory services are not "incidental interLATA services" as defined in Section 271(g)(4). Section 271(g)(4) defines "incidental interLATA services" to include any service that permits a customer to retrieve information over LATA boundaries from Bell Company facilities. MCI concedes (as it must, under the plain terms of the *BellSouth Forbearance Order* (see ¶ 68)) that electronic reverse directory services are "incidental interLATA services" under Section 271(g)(4). As explained in the petition, the same interLATA transmissions (between databases in different LATAs) would occur with the reverse search service regardless whether the service was operator assisted or electronic, and those same transmissions should be treated the same whether the customer makes the initial query electronically or verbally to an operator; in either case, a database would launch the query electronically to the other database, in order to provide the same information to the customer.

The Commission should reject MCI's overt attempt to confuse the issues in this straightforward "me too" application. The SBC Telephone Companies already have stated that they will comply with all of the conditions adopted by the Commission in the *BellSouth Forbearance Order*, including providing access to all third party directory listings used to provide reverse search directory services. The Texas arbitration addressed a different issue – access to directory listings pursuant to Section 251(b) and (c) of the Act – and that decision rested in part on that state's commission's conclusion (an erroneous one, in our view) that directory listing

¹ In re: *Bell Operating Companies Petitions for Forbearance from the Application of Section 272 of the Communications Act of 1934, As Amended, to Certain Activities*, CC Docket No. 96-149, at ¶¶ 52-97 (released Feb. 6, 1998) [*BellSouth Forbearance Order*].

information provided in bulk format should be treated as an unbundled network element in the State of Texas.² None of these requirements or legal issues are applicable here. The SBC Telephone Companies already have pledged that they will comply with all of the requirements of the BellSouth Forbearance Order, and the result of an arbitration in a single state does not provide any basis for the FCC to impose different, more stringent, requirements on SBC reverse search services.

Existing interconnection agreements continue in force and effect and the terms and conditions of those agreements very likely will continue to apply to directory listing information even after forbearance is granted. The terms and conditions of these agreements, including price, should continue to have force and effect. When the parties entered into these agreements, they provided a specific duration for such arrangements, and the agreements already address how the parties would treat issues such as changes in regulatory requirements, during the duration of the agreement. Those terms, including the terms for any renegotiation of existing agreement requirements, will continue in force and effect and would need to be followed by the parties. Thus, MCI, AT&T, and all other carriers should comply with the terms they

² The Texas PUC correctly acknowledged in that order that the FCC did not treat directory listing information as an unbundled network element, but it separately exercised its discretion to do so. Other state commissions have, consistent with the FCC's order, reached the contrary conclusion.

agreed to, including the terms that they agreed would govern changes in those agreements, as long as those agreements remain in effect.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE
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December 15, 1998.

CERTIFICATE OF SERVICE

I, Katie M. Turner, hereby certify that the foregoing, "REPLY COMMENTS OF SWBT, NEVADA BELL AND PACIFIC BELL" in CC Docket No. 98-193 has been filed this 15th day of December, 1998 to the Parties of Record.

A handwritten signature in black ink, reading "Katie M. Turner". The signature is written in a cursive style with a horizontal line underneath the name.

Katie M. Turner

December 15, 1998

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